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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,314	10/31/2003	Teruo Tamada	KYFS-US	9823
24222	7590	11/29/2005	EXAMINER	
MAINE & ASMUS 100 MAIN STREET P O BOX 3445 NASHUA, NH 03061-3445			BURCH, MELODY M	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,314	<b>Applicant(s)</b> TAMADA ET AL.	
	<b>Examiner</b> Melody M. Burch	<b>Art Unit</b> 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3933387 to Salloum et al. in view of JP-10250513.

Re: claims 1-3. Salloum et al. show in figure 2 a system for absorbing an impact energy, said system comprising: first and second energy absorbing members 38,40; each said energy absorbing member having opposing first and second walls (top of one of the pyramids and the bottom of one of the pyramids defining a hollow space shown; at least one pair of joined first and second ribs (two of the additional pyramids) disposed within each said energy absorbing member, said first rib being integrally formed from said first wall, said second rib being integrally formed from said second wall; a joint or another one of the pyramids disposed between said first and second ribs; and wherein said first and second energy absorbing members are aligned such that said impact energy is distributed between said energy absorbing members and absorbed by said energy absorbing members as shown in figure 2.

Salloum et al. fail to include the limitation of the membes being blow molded thermoplastics.

JP-10250513 teaches the use of energy absorbers made of blow molded thermoplastic.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the material of the energy absorbers of Salloum et al. to have been made of blow molded thermoplastic, as taught by JP'513, in order to provide a structurally sound lightweight energy absorber.

Examiner notes that the claim is an apparatus claim, therefore, determination of patentability is based on the product itself.

Re: claim 4. Salloum et al., as modified, teach in figure 2 of Salloum the first member and the second member being interlocked with each other via a thin part or the top of one of an additional one of the pyramids.

Re: claims 5, 6, 8, 9, 11-14, 16-18. Salloum et al., as modified, teach in figure 2 of Salloum the limitation wherein a projecting part or one of the pyramids is disposed in the first wall of the first member and a receiving part or cavity for receiving is disposed in the second wall of the second member.

Re: claims 7, 10, and 22. Figure 2 of Salloum et al. shows the limitation of the receiving part being a through hole or the hole through which the screw in the area of element 24 passes.

Re: claims 15, 19-21. Salloum et al., as modified, teach in figure 2 of Salloum the limitation of a stopping member or one of the additional pyramids shown in figure 2.

***Response to Arguments***

3. Applicant's arguments filed 5/25/05 have been fully considered but they are not persuasive. Examiner notes that Salloum et al. disclose in col. 3 lines 16-17 the limitation of a welded surface 38 or 40 shown in figures 3 and 4. Salloum et al. also show in figures 2 and 5 the limitation of a projection part or one of elements 42,44 other than those used to represent the first and second ribs and a receiving part or recess shown between the parts 42 and 44. Therefore, it is unclear why Applicant states that Salloum et al. do not disclose the use of a projecting part. Applicant's argument regarding the pair of welded ribs is more specific than the claim language since the claim recites, "a welded surface disposed between said first and second ribs". The amendments and arguments fail to overcome the currently applied prior art references. Accordingly, the rejections have been maintained.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mmb*  
mmb

November 23, 2005

*Melody M. Burch*

11/23/05